

REMARKS

Claims 1-15 are pending in the present application.

The Examiner has required election in the present application between:

Group I - Claims 1-6, drawn to 1-step process for making tetrahydropyranyl-oxopropanoate (1);

Group II - Claims 7-9, drawn to 2-step process for making (1);

Group III - Claims 10-12, drawn to 1-step process for making 4-acyltetrahydropyran (2);

Group IV - Claim 13, drawn to the compound of formula (1); and

Group V - Claims 14 and 15, drawn to a 4-propionyl-4-alkoxytetrahydropyran (5).

For the purpose of examination of the present application, Applicants elect, without traverse, Group III, Claims 10-12.

The Applicants submit that the above election is fully responsive to the outstanding restriction requirement and that no further election is required.

However, should the USPTO ultimately require the further election of a specific compound encompassed by the elected invention of Group III (claims 10-12) for purposes of instituting a search, then Applicants further elect the compound of formula (4) wherein R¹ is a hydrogen atom, R² is a hydrogen atom and R⁴ is a methyl group (*i.e.*, 4-acetyl-4-methoxy-carbonyltetrahydropyran) as a species, which means that the resulting compound of the formula (2) is 4-acetyltetrahydropyran (wherein R¹ and R² are both hydrogen atoms).

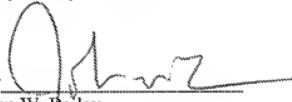
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John W. Bailey, Registration No 32,881 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

- Attached is a Petition for Extension of Time.
- Attached hereto is the fee transmittal listing the required fees.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: July 2, 2009

Respectfully submitted,

By 
John W. Bailey

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